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SENSITIVE
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DEPT FOR SCA/CEN (HUSHEK)
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INL/AAE (BUHLER)
JUSTICE FOR DUCOT AND NEWCOMBE

E.O. 12958: N/A

TAGS: [PGOV](#) [SNAR](#) [KCRM](#) [KJUS](#) [TI](#)

SUBJECT: NEW CRIMINAL PROCEDURE CODE SIGNED INTO LAW DECEMBER 3, 2009

11. (SBU) Summary. On December 3, 2009, the President of Tajikistan, Emomali Rahmon, signed into law a new criminal procedure code (CPC) that will go into effect on April 1, 2010. It enhances the power of the judiciary and introduces adversarial procedures to Tajik justice system. INL assistance supported the reform process leading up to the enactment of the CPC and now will support the implementation of the law. End summary.

12. (SBU) On December 3, 2009, the President of Tajikistan, Emomali Rahmon, signed into law a new criminal procedure code (CPC) that will go into effect on April 1, 2010. The new CPC puts the judges, not the prosecutors, in charge of deciding critical matters, such as who will be held in pre-trial detention and who will be released on bail and, in principle, ends the Soviet-style system in which the prosecutors hold sway and could ensure that verdicts would be acceptable to higher political authorities. It increases the role of defense attorneys, creating a more adversarial justice system.

13. (SBU) The INL-funded American Bar Institute, Rule of Law Institute (ABA-ROLI) supported the CPC drafting process. For example, in March and April of 2009, ABA-ROLI sponsored roundtable discussions on the draft CPC for members of the parliament, judges, advocates, NGOs, and professors. The conversations at these roundtables assuaged concerns and set the stage for the introduction of the draft CPC in Parliament in April 2009. The lower chamber of Parliament passed the draft on October 14 and the upper chamber passed it on November 21.

14. (U) INL-funded projects will support the implementation of the law. The ABA-ROLI INL-funded Access to Justice project will conduct CPC training sessions for the judiciary, prosecutors and the defense bar. In response to a Parliamentary request, INL Dushanbe funded the printing of 2,000 copies of the new law to ensure its wide distribution. Under Justice Sector Reform Project, INL will solicit proposals from educational institutions and NGOs to conduct court monitoring and public information campaigns that will help ensure proper implementation of the new law. Finally, INL Dushanbe is considering establishing partnership with U.S.-based prosecutors' offices for follow-on trial skills courses.

